HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 2487 OF 2006

Dated 27th July, 2006

Between:
R.Ravi Kumar S/o late R.Sriman Rao

… Petitioner

And

Secretary to the Government,
Education Department, Government of A.P.,
Secretariat, Hyderabad and others.

… Respondents.

ORDER:

The petitioner herein, who is presently employed in Government of India Undertaking, namely, Bharat Petroleum Corporation Limited, filed this writ petition seeking direction against the respondents 1 to 3 by way of mandamus to carry out the correction in the date of birth in the Secondary School Certificate bearing No.100754 issued in the month of June, 1971.

It is the case of the petitioner that his actual date of birth is 22.3.1956, but, however, the same was wrongly entered in the school records as 22.3.1954. It is submitted by the learned counsel for the petitioner that though there is substantial evidence to show that his correct date of birth is 22.3.1956, but, when the application was made for correction of date of birth by the petitioner, the same was rejected by the Commissioner and Director of School Education by proceedings in R.C.No.954/H3/04, dated 8.11.2004 and the said order was also affirmed by the government by order dated 5.8.2005.

Even according to the petitioner, he had passed his SSC in the year 1971. Correction of date of birth in completed Secondary School Certificates, Higher Secondary Certificates and Higher Secondary (MP) Certificates is governed by the rules framed in G.O.Ms.No.1263, Education Department, dated 6.5.1961, as amended from time to time, and, one such amendment was made by issuance of G.O.Ms.No.430, Education (EE.I) Department, dated 31.12.1992. As per the above said rules, as amended by

G.O.Ms.No.430, the competent authority is empowered to make corrections to the date of birth only if the application is made within a period of three years from the date of the completion of the course. In this case, the petitioner has passed SSC in 1971 and, as stated in the counter affidavit, application was filed by him seeking correction of his date of birth, for the first time, on 19.10.1993 i.e. nearly after 22 years of the completion of the course. Now, it is well settled by catena of judgments of this court and the Apex Court that no application shall be entertained for correction of date of birth after abnormal delay and lapse on the part of the petitioner. Apart from that, there is absolutely no reason, whatsoever, even on the part of the petitioner, having regard to the facts of the case, in not moving the competent authority for seeking such correction within a reasonable time after passing the examination. In that view of the matter, I do not find any valid reason to admit this writ petition. The writ petition, therefore, is dismissed at the stage of admission.

27.7.2006 **(R.SUBHASH REDDY, J.)**

VR.